

MADISON COUNTY PLANNING BOARD

P.O. Box 278 Virginia City, Montana 59755 Phone (406) 843-5250 Fax (406) 843-5229

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TO: Tim Davis
Montana Smart Growth Coalition

FROM: Doris Fischer, County Planning Director

RE: SB 201, as amended

Tim, I like a lot of what I see in SB 201, as amended. I also have a few concerns. My comments are summarized below. Use whatever you find helpful, in future hearings and deliberations on this legislation.

- I strongly support legislation that promotes compatibility between local growth policies and state transportation project priorities. We have observed the "build it, and they will come" situation on the recently improved Montana 84 corridor, which links Bozeman with the very rural northeast corner of Madison County. Because MT 84 is now a much easier commuter route between Ennis and Bozeman and Harrison and Bozeman, development pressure has noticeably increased across one of our most "intact" agricultural area. More rural sprawl appears likely here, particularly since Madison County has no zoning. I expect we will see some very controversial subdivision projects from this area, in the near future.
- I strongly support the notion that state departments should prioritize infrastructure/community development grant applications coming from communities and counties that have a growth policy with the infrastructure planning area component. The grant monies are much more likely to be spent effectively.
- I am fully in favor of encouraging counties to work on planning and development matters in a cooperative manner. Growth policies are one opportunity for doing this.
- It is especially important for municipalities and counties to work collaboratively on infrastructure planning in the "fringe" areas surrounding our incorporated communities. Madison County is a good example of where meaningful and cooperative city-county planning still needs to

happen. The County says in its growth policy, that we want to encourage new development to locate close to existing towns and services; yet, our existing towns have been working very hard to upgrade their water and sewer systems to serve current residents and only modest growth within their jurisdictional boundaries. We need to work together to plan for and provide the infrastructure that will enable growth to occur where it is most suitable, and that tends to be in and close to already-established communities.

- With respect to the proposed planning fee, I would rather see the state laws allowing for subdivision review fees and zoning permit fees amended to specifically acknowledge that each jurisdiction can include in these already-authorized fees a fair-share amount that reflects the ongoing planning activities required to fulfill the purposes of Title 76, Chapter 1. Having maximum fee amounts like \$50 and \$250 makes me nervous – what are those limits based on?? How do we justify the numbers? It's such a local matter. But I agree with the basic premise – We can't do either subdivision review or zoning compliance review effectively, without the companion effort of preparing and implementing a growth policy.
- It's high time we require citizen-initiated zoning to be in accordance with the growth policy (whether or not it contains the infrastructure planning component)!
- I support the effort to exempt certain subdivisions from subdivision review (or at least vastly streamline the process), but we must be extremely careful to apply such an exemption to only those projects that clearly comply with zoning that makes sense. Under 76-3-207(1)(b), who decides whether the existing zoning is effectively addressing the adverse impacts identified in the growth policy? If there's a judgment to be made here, then a process for making that judgment call is needed. A second question on this same section... Are you proposing this incentive be available just for subdivisions in the infrastructure planning area? If so, that should be made clear.

I applaud the effort to re-focus everyone's attention – the public's, the planners', and the decisionmakers' – on the planning process and implementing regulations. With a good growth policy and responsible zoning, the process of subdivision can and should become much faster and easier! Together, a growth policy and zoning ordinance can address the difficult issues of which areas are best suited for development, and of what types. The subdivision process should become just a skeleton of its current self, and simply be the mechanism by which lot lines, access, and utility easements are platted. SB 201 is a step in the right direction in this regard.

- Regarding 76-3-608(3)(a), we have found it very helpful to identify and assess the beneficial impacts as well as the negative ones. It also seems to help a landowner think in terms of how to make his or her subdivision accomplish some good things!
- **PLEASE**, can we add a prohibition on the conveyance of remainder tracts? Remainder tracts are quickly becoming the #1 threat to Madison County's healthy economy and environment.